IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 24953 of 2003

Between:

N. Sambasiva Rao (N.S.S. Rao), S/o. Venkata Subbaiah,
Force No. 850870513, CRPF Constable, R/o 99 BN, RAF, Hakeempet,
Secunderabad - 500 078.

..... PETITIONER

AND

1.The Directorate General , CRPF, CGO Complex, Lodhi Road,

New Delhi - 100 003.
2.The Inspector General of Police, RAF (CRPF), R.K. Puram, New Delhi.
3.The Commandant, 99 BN, RAF, Hakeempet, Secunderabad - 500 078.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing transfer proceedings dated 4-11-2003 through Proceedings No.T.IX-10/03-Pers.II transferring the petitioner bearing Force No. 850870513 DT, N.S.S. Rao, from the present 99 BN, RAF to 111 BN CRPF without considering the representation of the petitioner as illegal, arbitrary, unconstitutional and against the principles of natural justice.

Counsel for the Petitioner: Mr.B.CHINNAPA REDDY

Counsel for the Respondents: Mr.A.RAJASHEKAR REDDY,

STANDING COUNSEL FOR

CENTRAL GOVERNMENT.

The Court made the following :

ORAL ORDER:

Heard both the counsel.

The petitioner was enlisted as Constable in Central Reserve Police Force (CRPF) with Force No.850870513 on 22-6-1985 in the vacancy of 87 Battalion and since then he has been working at various places. He is presently working at 99 Battalion, Rapid Action Force (RAF), Hakimpet, Ranga Reddy District with effect from 3-12-1999. By proceedings dated 4-11-2003, he was transferred to 111 Battalion operating in North Eastern States.

It is stated by the learned counsel for the petitioner that the petitioner is having a eight years old mentally handicapped son who is getting treatment at Sweekar Rehabilitation Institute for Handicapped, Secunderabad. It is further stated that investigations conducted by the Doctors revealed that the boy requires treatment for about 14-16 months as per the report dated 4-9-2003 and if 16 months is taken into account, it will expire by November 2004. He further submits that the petitioner has made a representation on 13-11-2003 to the Inspector General of Police, RAF, New Delhi, but the same has not been considered by the authorities.

In the counter affidavit, it is stated that the representation of the petitioner was returned for resubmission with complete details addressed to the Commandant (Personnel-II), Directorate General, CRPF, New Delhi. Accordingly, the petitioner made a fresh representation which was received on 5-12-2003 and the same was forwarded to the DIGP, RAF, New Delhi for further consideration. It is further stated

that as per the instructions of the authorities 75% of the personnel working in RAF have been relieved from RAF to work in CRPF units. The parent Department of the petitioner is CRPF and only competent and more skilled Constables will be taken to work in RAF and, therefore, the petitioner with that mental worry cannot be retained at 99 Battalion, RAF, Hakimpet and he can as well joint at his parent Department and make a representation.

As considerable time was already allowed to the petitioner and that the treatment of his son is coming to an end, the writ petition is disposed of directing the respondents to retain him at the present place till the end of November 2004 and he shall then join at the transferred place on or before 1-12-2004. No order as to costs.

20th August 2004. **(V.ESWARAIAH, J.)**

ARS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the Twentieth day of August Two thousand and four.

To

1.The Directorate General , CRPF, CGO Complex, Lodhi Road,

New Delhi - 100 003.
2.The Inspector General of Police, RAF (CRPF), R.K. Puram, New Delhi.
3.The Commandant, 99 BN, RAF, Hakeempet, Secunderabad - 500 078.

4.Two C.D.copies.